

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

05 DEC -5 AM 7:19

THOMAS M. COULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

ANTONIO M. PERRY,

Plaintiff,

vs.

SHELBY COUNTY DIVISION OF
CORRECTIONS,

Defendant.

X
X
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X
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X

No. 04-2856-Ma/V

ORDER DENYING PLAINTIFF'S MOTION FOR A DEFAULT JUDGMENT

Plaintiff Antonio M. Perry filed a pro se complaint pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., on October 26, 2004 and paid the civil filing fee. The Court issued an order on November 9, 2004 that, inter alia, dismissed the complaint with respect to the individual defendant, authorized the clerk to issue a summons to the plaintiff, and directed the plaintiff to serve the remaining defendant. Plaintiff filed proof of service on November 23, 2004. On January 31, 2005, the Clerk docketed a letter to this judge from the plaintiff, which the Clerk properly construed as a motion seeking entry of default pursuant to Fed. R. Civ. P. 55(a). The Clerk entered the default on February 2, 2005. On March 22, 2005, the Clerk docketed another letter to this judge seeking a final judgment and writ of

execution. As the Court has granted the defendant's motion to set aside the default, the plaintiff's motion is DENIED as moot.

IT IS SO ORDERED this 2nd day of December, 2005.



SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 27 in case 2:04-CV-02856 was distributed by fax, mail, or direct printing on December 8, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT